



Paper No. 28

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BLVD
7TH FL
LOS ANGELES, CA 90025

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OFFICE OF PETITIONS
AND APPEALS

ON PETITION

In re Application of
RAKESHE BHATIA
Application No. 08/902,371
Filed: July 29, 1997
Attorney Docket No. 42390.P4624

This is a decision on the petition under 37 CFR 1.182 filed August 22, 2000, requesting that the abandonment of the above-identified application be rescinded.

The petition is GRANTED.

A Notice of Abandonment was mailed on July 28, 2000, stating that the application was abandoned for failure to respond to the Notice of Allowance and Issue Fee Due mailed April 3, 2000. However, a review of the record discloses that a proper continued prosecution application (CPA) was filed prior to the July 3, 2000 due date for payment of the issue fee. Consequently, the prior application was not abandoned as a result of a failure to pay the issue fee.

The Notice of Abandonment mailed July 28, 2000, is hereby vacated. Since the petition was a result of PTO error, the \$130.00 petition fee is being refunded to counsel's deposit account.

Receipt is acknowledged of the issue fee paid on October 10, 2000 in response to the Notice of Allowance and Issue Fee Due mailed July 18, 2000 in the CPA filed June 14, 2000. Accordingly, the application is being forwarded to the Office of Patent Publication to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-9220.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects